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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,770	11/08/2001	Timothy T. Mori	38-0012	1384

20457   7590   03/29/2005

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EXAMINER
TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/005,770	MORI ET AL.
		Examiner	Art Unit	
		Nghi V Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/08/2001</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-5, 7-9, 11-12, and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Carmel et al., U.S. Patent No 6,389,473 (hereinafter Carmel).

3.   With respect to claims 1 and 28, Carmel teaches a method of transferring a file over a network [see abstract and figs. 1-2] comprising:

- dividing a file [i.e. stream] into a plurality of blocks [col.3, lns.31-32];

- transferring [i.e. uploads] a first one of said plurality of blocks [42 i.e. first slice] from a first entity [24 i.e. transmitting computer] and across said network [28] toward a second entity [36 or 30]; and

- transferring a second one of said plurality of blocks [44 i.e. second slice] from said first entity and across said network toward said second entity while said first one of said plurality of blocks is being transferred across said network to said second entity [col.7, lns.18-58].

4.   With respect to claims 2 and 29, Carmel further teaches said method utilizes

Transmission Control Protocol (TCP) for transmission [col.6, lns.52-54] of said first one

of said plurality of blocks and for transmission of said second one of said plurality of

blocks.

5.   With respect to claims 3 and 30, Carmel further teaches said method further

utilizes a file transfer protocol (FTP) methodology for transmission [col.6, lns.50-52] of

said first one of said plurality of blocks and for transmission of said second one of said

plurality of blocks.

6.   With respect to claim 4, Carmel further teaches dividing said file comprises

determining whether said file is larger than a predetermined size [col.3, lns.31-32].

7.   With respect to claim 5, Carmel further teaches transferring said second one of

said plurality of blocks comprises waiting a predetermined time after transmission of

said first one of said plurality of blocks [col.3, lns.40-59].

8.   With respect to claim 7, Carmel further teaches receiving said first one of said

plurality of blocks [42 i.e. first slice] at said second entity [col.9, ln.62 - col.10, ln.5].

9.   With respect to claim 8, Carmel further teaches receiving said second one of said

plurality of blocks [44 i.e. second slice] at said second entity [col.9, ln.62 - col.10, ln.5].

10.   With respect to claim 9, Carmel further teaches assembling [i.e. reconstruct] said

plurality of blocks at said second entity [col.10, lns.24-54].

11.   With respect to claim 11, Carmel further teaches said second entity transferring

an acknowledgment [i.e. reception is "keeping up"] across said network to said first

entity after a beginning of transmission of said second one of said plurality of blocks

[col.7, lns.18-58].

12.   With respect to claim 12, Carmel further teaches said file comprises a video file

[col.9, lns.64-66].

13.   Claims 13-17, 21-23 and 27 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sherman, U.S. Patent No. 6,831,912.

14.   With respect to claim 13, Sherman teaches a method of transferring a file from a

first entity [12 i.e. server or aircraft] to a second entity [14 i.e. the client or ground

station] over a network [see abstract and figs.1-4], said method comprising:

- receiving a first one of a plurality of blocks [col.6, lns.55-67 i.e. "a first one of a

  plurality of blocks" is inherent as "the client collects packets"] at said second

  entity;

- receiving a second one of said plurality of blocks [col.6, lns.55-67 i.e. "a

  second one of a plurality of blocks" is inherent as "the client collects packets"]

  at said second entity;

- receiving a last one of said plurality of blocks [col.5, lns.23-27 i.e. last

  received packet] at said second entity; and

- assembling said first one of said plurality of blocks and said second one of

  said plurality of blocks into a single file at said second entity after receiving

  said last one of said plurality of blocks [col.6, ln.55 - col.7, ln.27].

15.   With respect to claim 14, Sherman further teaches said method utilizes

Transmission Control Protocol (TCP) for transmission/reception [col.6, lns.23-54] of said

first one of said plurality of blocks and for transmission/reception of said second one of

said plurality of blocks.

16.   With respect to claim 15, Sherman further teaches said method further utilizes a

. file transfer protocol (FTP) methodology for transmission/reception [col.6, lns.23-54] of

said first one of said plurality of blocks and for transmission/reception of said second

one of said plurality of blocks.

17.   With respect to claim 16, Sherman further teaches said last one of said plurality

of blocks comprises an interconnect block [col.5, lns.23-27 i.e. "an interconnect block" is

interpreted as "a last received packet"].

18.   With respect to claim 17, Sherman further teaches dividing a file into said

plurality of blocks [col.6, ln.55]; transferring said first one of said plurality of blocks from

said first entity to said second entity; and transferring said second one of said plurality of

blocks from said first entity to said second entity while said first one of said plurality of

blocks is being transferred across said network to said second entity [col.6, ln.23 - col.7,

ln.27].

19.   With respect to claim 21, Sherman further teaches the packets are transmitted

from server to client as UDP-encoded packet. However, Sherman is silent on said file

comprises a video file. In addition, a video file can be implemented as UDP that is well

known in the art [see prior made up record Carmel et al., U.S. Patent No. 6,389,473].

20.   With respect to claim 22, Sherman teaches a method of transferring a file over a

network [see abstract and figs.1-4], comprising:

- dividing a file into a plurality of blocks [col.6, ln.55];
- transferring a first one of said plurality of blocks [col.6, lns.55-67 i.e. "a first
  one of a plurality of blocks" is inherent as "the client collects packets"] from a
  first entity and across said network toward a second entity, said transferring

being done in accordance with a Transmission Control Protocol [col.6, ln.23 - col.7, ln.27]; and

• transferring a second one of said plurality of blocks [col.6, lns.55-67 i.e. "a second one of a plurality of blocks" is inherent as "the client collects packets"] from said first entity and across said network toward said second entity while said first one of said plurality of blocks is being transferred across said network to said second entity, said transferring of said second one of said plurality of blocks being done in accordance with said Transmission Control Protocol [col.6, ln.23 - col.7, ln.27].

21.   With respect to claim 23, Sherman further teaches dividing said file comprises determining whether said file is larger than a predetermined size [col.6, lns.55-67].

22.   With respect to claim 27, Sherman further teaches the packets are transmitted from server to client as UDP-encoded packet. However, Sherman is silent on said file comprises a video file. In addition, a video file can be implemented as UDP that is well known in the art [see prior made up record Carmel et al., U.S. Patent No. 6,389,473].

Claim Rejections - 35 USC § 103

23.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

24.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carmel

as applied to claim 1 above, and further in view of Richard Stevens, "TCP/IP Illustrated,

Volume 1," pages 281 and 296 (hereinafter Richard).

25.   With respect to claim 6, Carmel is silent on transferring said second one of said

plurality of blocks comprises waiting a predetermined time after a beginning of

transmission of said first one of said plurality of blocks.

In a method of transferring, Richard discloses transferring said second one of

said plurality of blocks [i.e. segment 7] comprises waiting a predetermined time after a

beginning of transmission [fig.20.6] of said first one of said plurality of blocks [i.e.

segment 2].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Carmel in view of Richard by transferring the

second blocks comprises waiting a predetermined time after a beginning of

transmission of the first block because this feature reduces overhead and link

bandwidth than multiple acknowledgement messages and corresponding headers, one

for each missing packet. It is for this reason that one of ordinary skill in the art at the

time of the invention would have been motivated to modify Carmel in view of Richard in

order to transfer of bulk data more efficient [Richard, page 296].

26.   Claims 18-20 and 24-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sherman as applied to claims 13 and 22 above, and further in view of

Richard Stevens, "TCP/IP Illustrated, Volume 1," pages 281 and 296 (hereinafter

Richard).

27.   With respect to claims 18-20 and 24-26, Sherman is silent on transferring said

second one of said plurality of blocks comprises waiting a predetermined time after a

beginning of transmission of said first one of said plurality of blocks.

In a method of transferring, Richard discloses transferring said second one of

said plurality of blocks [i.e. segment 7] comprises waiting a predetermined time after a

beginning of transmission [fig.20.6] of said first one of said plurality of blocks [i.e.

segment 2].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Shermanl in view of Richard by transferring

the second blocks comprises waiting a predetermined time after a beginning of

transmission of the first block because this feature reduces overhead and link

bandwidth than multiple acknowledgement messages and corresponding headers, one

for each missing packet [Sherman, col.6, lns.19-22]. It is for this reason that one of

ordinary skill in the art at the time of the invention would have been motivated to modify

Sherman in view of Richard in order to transfer of bulk data more efficient [Richard,

page 296].

28.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carmel

as applied to claim 1 above, and further in view of Sherman, U.S. Patent No. 6,831,912.

29.   With respect to claim 10, Carmel is silent on said plurality of blocks are

assembled at said second entity after said second entity receives an interconnect block

from said first entity.

In a method of transferring, Sherman discloses said plurality of blocks are

assembled at said second entity after said second entity receives an interconnect block

from said first entity [col.6, ln.55 - col.7, ln.27 "an interconnect block" is interpreted as "a

last received packet"].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Carmel in view of Sherman by receiving an

interconnect block from said first entity because this feature "requires less up link

bandwidth than existing systems and thereby allow for more complete utilization of the

downlink capacity without saturating the uplink [Sherman, col.6, lns.15-17]. It is for this

reason that one of ordinary skill in the art at the time of the invention would have been

motivated to modify Carmel in view of Sherman in order to reduces overhead and link

bandwidth than multiple acknowledgement messages and corresponding headers, one

for each missing packet [Sherman, col.6, lns.19-22].

Conclusion

30.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

     a.   "Evaluation of media content in media files," by Hoffert et al., U.S. Patent

No. 5,983,176.

     b.   "Method and systems for scalable representation of multimedia data for

progressive asynchronous transmission," by Guedalia, U.S. Patent No. 6,536,043.

     c.   "System and method for multicast video-on-demand delivery system," by

Kermode et al., U.S. Patent No. 6,018,359.

     d.   "Method and apparatus for identifying a predetermined number of

representative data pieces from within a selected data segment," by Bhat, U.S. Patent

No. 6,677,961.

     e.   "Method for caching of media files to reduce delivery cost," by Eager et al.,

U.S. Patent No. 6,868,452.

31.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Friday.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER